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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/098,587	03/18/2002	Yoshiaki Tanaka	20402/0544	9570

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EXAMINER
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ONUAKU, CHRISTOPHER O

ART UNIT	PAPER NUMBER
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2621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/03/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/098,587

Applicant(s)

TANAKA ET AL.

Examiner

Christopher Onuaku

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/18/02</u> .                                                 | 6) <input type="checkbox"/> Other: ____.                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,2,6,7,11,12,16,17,21-27&31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsumura (US 5,250,747) in view of Katayama (US 5,902,115).

Regarding claim 1, Tsumura discloses a karaoke music reproduction device/method which uses digital signals for the control of a MIDI sound source while at the same time generating a synchronous display of lyric related data expressed in character, graphic or some other form on a visual display medium and provides for the selection, by means other than the lyrics display means, of images to match the mood of the music and the subsequent display of the images on the display screen along with the lyrics, comprising the method steps of transmitting at least one musical composition via a digital video disc, together with "bonus information" relating to the musical composition and an approved interactive data required when the user accesses the "bonus information"; and reproducing the transmitted musical composition regardless of the entered iterative data, and allowing a reproduction of the bonus information only when the entered interactive data agrees with the approved interactive data (see

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Fig.1,2&3; col.4, line 48 to col.5, line 54). Here examiner reads interactive data to include the code incorporated in header A for extracting dynamic images, and the bonus information as the dynamic images. It is pertinent to point out that Tsumura discloses wherein dynamic images play no more than an auxiliary and supporting role in the enjoyment of Karaoke music and do not have a direct effect either on the performance of a piece of music or on the display of the accompanying lyrics (see col.3, line 43 to col.4, line 32). It is, also, pertinent to point out that the Karaoke music performance can be provided without, of necessity, providing accompanying display of dynamic images. The dynamic images are coded and are only provided if explicitly requested for by the user, at which time requested matching dynamic images are extracted and displayed.

Tsumura discloses disk unit 11A and 11B (see Fig.3). Tsumura fails to explicitly disclose digital video disc (DVD). Katayama discloses a Karaoke recording medium, a method and apparatus for reproducing Karaoke data from a Karaoke recording medium, and a method and apparatus for recording Karaoke data on a recording medium comprising digital versatile disk (DVD) which is high-density and digital multi-purpose disk (see col.21, lines 25-34).

It would have been obvious to one of ordinary skill in the art to modify Tsumura by replacing the disk unit of Tsumura with the DVD of Katayama since the DVD of Katayama provides the desirable advantage of a high-density and digital multi-purpose disk.

Regarding claim 2, Tsumura now modified with Katayama discloses the method wherein the primary musical composition is a main source to be recorded on or

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reproduced from the digital video disk, and at least one optional source is selectable from the group consisting of taped accompaniments, BGM sounds, MIDI codes, and inquiries (see Tsumura col.1, lines 6-15; col.2, lines 19-60; and col.3, lines 12-42).

Regarding claim 6, the claimed limitations of claim 6 are accommodated in the discussions of claim 1 above, except A/D conversion means, encoding means and recording means (see Katayama Fig.66; video encoder 206, audio encoder 207 and sub-picture encoder 208, each of which performs A/D conversion of video data, audio data and sub-picture data, respectively; and VTR 201; col.39, lines 13-37).

Regarding claim 7, the claimed limitations of claim 7 are accommodated in the discussions of claim 2 above.

Regarding claim 11, the claimed limitations of claim 11 are accommodated in the discussions of claims 1&6 above.

Regarding claim 12, the claimed limitations of claim 12 are accommodated in the discussions of claim 2 above.

Regarding claim 16, the claimed limitations of claim 16 are accommodated in the discussions of claims 1&6 above, except the claimed decoding means (see Katayama

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Fig.1; video decoding section 58, audio decoding section 60 and sub-picture decoding section 62; col.6, lines 62-67).

Regarding claim 17, the claimed limitations of claim 17 are accommodated in the discussions of claim 2 above.

Regarding claim 21, the claimed limitations of claim 21 are accommodated in the discussions of claim 1 above.

Regarding claim 22, the claimed limitations of claim 22 are accommodated in the discussions of claim 6 above.

Regarding claim 23, the claimed limitations of claim 23 are accommodated in the discussions of claim 11 above.

Regarding claim 24, the claimed limitations of claim 24 are accommodated in the discussions of claim 16 above.

Regarding claim 25, the claimed limitations of claim 25 are accommodated in the discussions of claims 1&6 above, including signal processing means (see the video encoder, audio encoder and sub-picture encoder discussed in claim 6), except

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modulating circuit (see Katayama Fig.69; modulator 230; col.40, line 32 to col.41, line 6).

Regarding claim 26, the claimed limitations of claim 26 are accommodated in the discussions of claim 2.

Regarding claim 27, Katayama further teaches wherein the "bonus information" is a program for reproducing one of musical composition groups and the approved interactive data is required when the user accesses a specific musical composition group (see Fi.13A&13B; col.15, line 47 to col.17, line 24). Here the claimed "bonus information" (or program) is the program shown in Fig.13A&13B, and the claimed interactive data is the title of the musical composition to be reproduced.

Regarding claim 31, the claimed limitations of claim 31 are accommodated in the discussions of claims 2,6,16&25 above.

Regarding claim 32, the claimed limitations of claim 32 are accommodated in the discussions of claim 2 above.

Regarding claim 33, the claimed limitations of claim 33 are accommodated in the discussions of claim 27 above.

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3. Claims 3-5,8-10,13-15,18-20,28-30&34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsumura in view of Katayama and further in view of Knowles (US 5,481,509).

Regarding claim 3, Tsumura and Katayama fail to explicitly disclose wherein the approved interactive data is a password. Knowles teaches entertainment systems including jukebox entertainment systems wherein entering a code such as displaying a set of alphanumeric keys that are touched by user to enter a password that is compared to a password stored in the memory of a computer could be used (see col.8, lines 3-39). Using a password provides the desirable advantage of controlling access to recorded data. It would have been obvious to further modify Tsumura by adding the use of password as a control code in Tsumura, as taught by Knowles, since this provides the desirable advantage of controlling access to recorded data.

Regarding claim 4, Tsumura and Katayama fail to explicitly disclose wherein the approved interactive data is obtainable by paying for it. Knowles teaches entertainment systems including jukebox entertainment systems wherein when the computer within a jukebox is first started, the jukebox is automatically placed in a "pay for play" mode to facilitate the payment of any required fee before the jukebox is operated for entertainment. It would have been obvious to further modify Tsumura by adding the means to pay before any access to any entertainment production, as taught by Knowles, which facilitates the payment of any required fee before the entertainment system is operated for entertainment.



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Regarding claim 5, the claimed limitations wherein the approved interactive data is obtainable by answering a given inquiry is inherent in Knowles since when a user enters a password, that password is compared to a password stored in the memory of a computer (see col.8, lines 3-39). This comparison process involves the answering of a given inquiry.

Regarding claim 8, the claimed limitations of claim 8 are accommodated in the discussions of claim 3 above.

Regarding claim 9, the claimed limitations of claim 9 are accommodated in the discussions of claim 4 above.

Regarding claim 10, the claimed limitations of claim 10 are accommodated in the discussions of claim 5 above.

Regarding claim 13, the claimed limitations of claim 13 are accommodated in the discussions of claim 3 above.

Regarding claim 14, the claimed limitations of claim 14 are accommodated in the discussions of claim 4 above.

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Regarding claim 15, the claimed limitations of claim 15 are accommodated in the discussions of claim 5 above.

Regarding claim 18, the claimed limitations of claim 18 are accommodated in the discussions of claim 3 above.

Regarding claim 19, the claimed limitations of claim 19 are accommodated in the discussions of claim 4 above.

Regarding claim 20, the claimed limitations of claim 20 are accommodated in the discussions of claim 5 above.

Regarding claim 28, the claimed limitations of claim 28 are accommodated in the discussions of claim 3 above.

Regarding claim 29, the claimed limitations of claim 29 are accommodated in the discussions of claim 4 above.

Regarding claim 30, the claimed limitations of claim 30 are accommodated in the discussions of claim 5 above.

Regarding claim 34, the claimed limitations of claim 34 are accommodated in the discussions of claim 3 above.

Regarding claim 35, the claimed limitations of claim 35 are accommodated in the discussions of claim 4 above.

Regarding claim 36, the claimed limitations of claim 36 are accommodated in the discussions of claim 5 above.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Onuaku whose telephone number is 571-272-7379. The examiner can normally be reached on M-F.

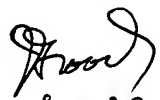
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
COO

12/15/06

  
**James J. Groody**  
**Supervisory Patent Examiner**  
**Art Unit 262 2621**